



**FEDERAL ELECTION COMMISSION**  
Washington, D.C. 20463

Renee Sawyer  
Bowditch & Dewey, LLP  
300 New Jersey Avenue, N.W.  
Suite 900  
Washington, DC 20001

**AUG 22 2017**

RE: MUR 6566  
Brian Foley

Dear Ms. Sawyer:

On August 17, 2017, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of Brian Foley in settlement of a violation of 52 U.S.C. § 30122, a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the outstanding balance of the civil penalty is due as provided for in Paragraph VI.A of the conciliation agreement. If you have any questions, please contact me at (202) 694-1588.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Allen", is positioned above the typed name.

Mark Allen  
Assistant General Counsel

Enclosure  
Conciliation Agreement

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3 In the Matter of )  
4 )  
5 Brian Foley )

7 **CONCILIATION AGREEMENT**

9 This matter was initiated by a signed, sworn, and notarized complaint by Mike Clark.<sup>1</sup>

0 The Federal Election Commission (“Commission”) found reason to believe that Brian Foley  
1 (“Respondent”) knowingly and willfully violated 52 U.S.C. §§ 30116(a) and 30122, provisions  
2 of the Federal Election Campaign Act of 1971, as amended (the “Act”).

3           NOW, THEREFORE, the Commission and the Respondent, having participated in  
4   informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree  
5   as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 52 U.S.C. § 30109(a)(4)(A)(i).

9           II. Respondent has had a reasonable opportunity to demonstrate that no action should be  
0   taken in this matter.

1           III. Respondent enters voluntarily into this agreement with the Commission.

2        IV. The pertinent facts in this matter are as follows:

3 A. Lisa Wilson-Foley was a 2012 candidate for the U.S. House of  
4 Representatives in the 5th Congressional District of Connecticut.

B. Lisa Wilson-Foley for Congress (the "Committee") is Wilson-Foley's principal campaign committee.

<sup>1</sup> This matter was also initiated by a signed, sworn, and notarized complaint by Kenneth James Krayske in MUR 6604. The Commission merged the relevant portion of MUR 6604 into MUR 6566.

1 C. The Act prohibits any person from making contributions in excess of the  
2 limits imposed by the Act, which, in the 2012 election cycle, barred an  
3 individual from contributing more than \$2,500 per election to a candidate and  
4 her committee. 52 U.S.C. § 30116(a).

5 D. The Act prohibits any person from making a contribution in the name of  
6 another. 52 U.S.C. § 30122.

7 E. A violation of the Act is considered knowing and willful if the “acts were  
8 committed with full knowledge of all the relevant facts and a recognition that  
9 the action is prohibited by law.” 122 Cong. Rec. 12,197, 12,199 (May 3,  
10 1976); *see also United States v. Danielczyk*, 917 F. Supp. 2d 573 (E.D. Va.  
11 2013).

12 F. Respondent, between June 9, 2011 and June 16, 2011, contributed the  
13 maximum amount permitted under the Act in the 2012 election cycle —  
14 \$2,500 — to the Committee for each of the convention, primary and general  
15 elections.

16 G. Respondent, with knowledge of and intent to circumvent the Act’s  
17 contribution limits imposed by 52 U.S.C. § 30116(a), agreed to reimburse and  
18 did reimburse four individuals — Patricia Hyypa, Johanna Hyypa, Jeremy  
19 Vearil, and Kenneth Lewis (collectively, the “conduits”) — for contributions  
20 they made to the Committee totaling \$30,000 between June 2011 and March  
21 2012. Each conduit contributed the maximum amount permitted under the  
22 Act in 2012 — \$2,500 — to the Committee for each of the convention,  
23 primary and general elections.

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V.. Respondent knowingly and willfully violated 52 U.S.C. §§ 30116(a) and 30122 by making contributions in the name of another, and in doing so made an excessive contribution to Lisa Wilson-Foley for Congress totaling \$30,000.

VI. A. Respondent will pay a civil penalty to the Commission in the amount of Ninety Thousand Dollars (\$90,000), pursuant to 52 U.S.C. § 30109(a)(5)(B).

The civil penalty will be paid as follows:

1. A payment of at least Thirty Thousand Dollars (\$30,000) is due no more than sixty (60) days from the date this agreement becomes effective;
2. Thereafter, installment payments of equal amounts shall be due every thirty (30) days after the due date of the previous payment;
3. The final payment shall be received by the Commission no later than December 31, 2017;
4. In the event that any payment is not received by the Commission by the fifth day after which it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the Respondent. Failure by the Commission to accelerate the payments with regard to any overdue installment shall not be construed as a waiver of its right to do so with regard to future overdue payments.

B. Respondent will cease and desist from committing violations of 52 U.S.C. §§ 30116(a) and 30122.

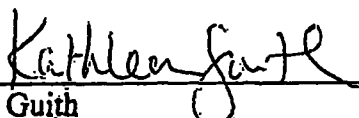
VII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Except as otherwise specified, Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

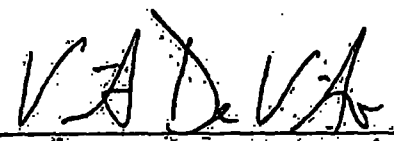
X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained within this written agreement shall be enforceable.

FOR THE COMMISSION:

  
Kathleen Guith  
Associate General Counsel  
for Enforcement

8/21/17  
Date

FOR THE RESPONDENT:

  
Vincent DeVito  
Attorney for Brian Foley

5/11/17  
Date